

**NOTE: These minutes do not constitute a verbatim transcription of the CPC meeting.**

**CITY PLANNING COMMISSION  
REGULAR MEETING  
November 17, 2005**

**APPROVED**

Call to Order: The meeting was called to order by Chairperson Arthur Simons in the Committee of the Whole Room, 13<sup>th</sup> Floor of the Coleman A. Young Municipal Center, at 4:50 PM.

Roll Call: Present at the meeting were Commissioners Cason, Christensen, Glenn, Wendler and Williams. Absent were Commissioners Glaser (excused), Jeffrey (excused), Simons (excused) and Smith (excused).

Agenda:

Minutes: The Agenda was approved as submitted.

ACTION: Commissioner Glenn moved to approve the minutes of the regular meeting of September 22, 2005.  
Commissioner Wendler seconded the motion.  
Motion carried.

PUBLIC DISC.-- Minor Modification to Harbortown development to relocate existing public access path alignment: A public discussion was held to consider a minor modification to the approved plans for an existing PD (Planned Development District) zoning classification containing the Harbortown development located on the south side of E. Jefferson Ave. between Adair and Mt Elliott. The proposed modification is to relocate the existing public access path alignment from the core of the Harbortown development south to the Detroit River's edge.

CPC staff member Marcell Todd reviewed the background information.

When the PD zoning district and development plan were originally approved for this site, provision was made for a public pedestrian/bicycle access path through the center of the development running east/west. As a result of the recent riverfront visioning and planning process, waterfront public access is being realized along the Detroit River. The specific efforts of the Detroit Riverfront Conservancy (DRFC) have produced public access agreements for property along the east riverfront including Harbortown. The proposed realigned public access way would match the public access easement agreed to by the owners of the property and the DRFC.

When the rezoning request for the Harbortown development was first acted upon by the Commission in 1982, public access through the project providing for a pedestrian and bicycle path was contemplated and pursued. When the plans for the first phase of the development were considered in 1985, a commitment was made to provide for that pathway, which resulted in a corresponding condition in the Commission's recommendation for approval. That condition called for the path to begin at either the Franklin or Wight St. access points at the western edge of the project along Adair. The path would follow the

respective street alignment to the loop road around the lagoon to the extension of Wight St. on the east where the path would connect with what is now Mt. Elliott Park. This condition was agreed to by all parties with the understanding that there would be alternate routes during construction periods, but that the pathway itself would not be open to the public until such time that the pedestrian/bicycle path was implemented along the waterfront linking other parcels.

For more than a decade, riverfront development waned until after the failed riverfront casino proposal of 1998 and the resultant RiverWalk and Waterfront East District Plans of the last couple of years. After the Detroit Riverfront Conservancy (DRFC) was established to pursue the RiverWalk, they began making contact with various riverfront property owners to discuss access through those properties. Included in that group was the ownership of Harbortown. Working together, the two parties formulated a new path for public access that met the DRFC's desires as well as the previous obligation of the Harbortown developer for public access required under the zoning. At present there is an easement agreement between them, which maps out the path and provides the terms of public access.

A few Harbortown residents have concerns about the public access provision. These residents find public access through the property to be inappropriate or undesirable and have asked the City to somehow reverse its position on the matter and undo the agreement between the DRFC and Harbortown ownership. Public access via the Detroit RiverWalk seems to have a great deal of support from other residents, and is preferred over the previous alignment. CPC staff was prepared to handle this matter as a minor modification to the PD plans at the staff level, but since the residents in opposition to the pathway petitioned the City Council on the matter, CPC staff felt it best to bring the issue before the Commission and handle it publicly.

CPC staff believed that there is a clear requirement on the part of the developer to provide for public access through the Harbortown development. The only questions are when and how. The agreed-upon alignment has been supplanted by a far superior alignment along the riverfront itself. The new alignment reduces impact on Harbortown residents by maintaining privacy and security in the core of the project areas and places the path along the edge around the Harbortown marina, which is already a semi-public space. CPC staff believed that the proposed modification is consistent with the previous approvals and with past and present public policy relative to riverfront public access.

Commissioner Wendler felt that from a planning perspective, the modification is a "wonderful" amendment to the original configuration in terms of providing access to the River. If the amendment accomplishes that objective as well as the objective of keeping the Harbortown property secure and private, the City might get the best of both worlds.

Commissioner Williams inquired as to how the property in Harbortown could be secured while still allowing people to get to the River. Mr. Todd noted security measures and pointed out the location of fencing, the Harbortown gateway, and walkway gate. A fence will be placed along the side of the marina. Public phones and security cameras are also proposed.

Faye Nelson, President, Detroit Riverfront Conservancy, reviewed the progress of development of the RiverWalk along the east riverfront, including the securing of a 90-year lease agreement with private property owners. The cement silos are coming down. Two of the four planned pavilions are under construction. A membership drive will soon be underway in 2006.

Leonard Marszelak, a resident of Harbortown and a member of the Conservancy, noted that the modification maintains the integrity of Harbortown. Several meetings had been held in 2005 with the residents of Harbortown to work out the details.

Mr. Marszelak presented details of the modification. The inner portion of the walkway will include a decorative picket style fence. An additional fence will be located on the west and north sides of the marina. This extra measure prevents persons from dropping down onto the marina. Guardrails will extend west to the marina and to the east side.

Commissioner Williams inquired as to how one gets to the dock. Mr. Marszelak cited areas of controlled entry to the dock via card swipes through two card readers.

Commissioner Glenn expressed concern regarding the height and style of the fence. The fence is too high and is prison-like in style. Mr. Marszelak noted requests of the residents of Harbortown regarding extensions to the fence. The fence will be lower on the marina side. Commissioner Glenn hoped that the height of all fencing would be lowered.

Commissioner Christensen noted that the proposed type of fencing is now being used on many sites. This type of fence is not a safety precaution. One is able to climb over it. People can very easily hoist themselves over the bars and gain entry.

Commissioner Williams cited the compromise between the UAW-GM training center and Harbortown. If the residents of Harbortown are able to work out concerns regarding security and still adhere to the condition of public access to the riverfront, Commissioner Williams felt that the 6- or 8-foot height of the fence was fine provided the fence is aesthetically pleasing.

Commissioner Williams noted that in some respects the City does not want to have people just casually walking into those areas. Nothing will ever be totally secure. Two major developments are saying they are confident with the modification.

Commissioner Glenn felt that the fence might look all right in the beginning. But eventually, it will rust and deteriorate. Projects should not use these kind of tall fences. Some people may want that type of fence. But 9 out of 10 times, people will not be going over the property lines. The bars of the fence are the same as those used at detention facilities.

Upon questioning, Mr. Marszelak noted the status of development of the RiverWalk, including construction of the pavilions, Port Authority facility, sidewalk improvements at Atwater and a new parking lot on the former Blaine property for the State Park. At this time next year, over 78% of the RiverWalk will be completed on the east side. By the end of

2007, a 3.5 mile uninterrupted riverwalk will extend between the RenCen promenade and Gabriel Richard park.

Mr. Marszelak noted that the Conservancy has been and will continue to be sensitive to engaging and working actively with the concerned parties.

The following persons spoke at the public discussion.

George Jackson, 203 Windward Court, a resident of Harbortown since 1987, thought the idea of the Riverfront walkway was great. The residents of Harbortown knew that this walkway was coming. The Conservancy has done a good job in letting the residents know what is happening. Mr. Jackson noted possible concerns regarding security. Presently, residents of Harbortown feel very secure. Harbortown is a great community. If the fence is not placed as proposed, the risk to the residents' security would be too high. Mr. Jackson inquired as to whether the modification changes the overall plan or density for Harbortown. Mr. Todd noted that the proposal is simply to allow for the RiverWalkway. No other application has been made by the owner of Harbortown to change the site plan.

Kathy Detgen, 238 Mainsail Ct., an 18-year resident, inquired as to the height of the fence. Mr. Todd noted the varying height of the fence from 6 feet to the top of the rail at the marina to an 8-foot extension above that rail. Mr. Marszelak responded that the interior fence is 8 feet in height. Along the marina, the fence is 6 feet high. Ms. Detgen pointed out that Harbortown is a gated community. Ms. Detgen was not in favor of lowering the height of the fence. She inquired as to whether consideration had been given to locating an arched fence over the site. Mr. Marszelak responded negatively. Such a fence would be too constraining in appearance. The Conservancy felt that the proposed fence would give the residents of Harbortown some type of protection. Ms. Detgen noted that she preferred the arch emphasizing "the safer, the better." Aesthetics are second to safety.

Mr. Marszelak noted security measures including Harbortown security, Conservancy security, and the monitoring of the security monitor 24/7.

Ms. Nelson cited many meetings between the residents and the Conservancy to resolve their concerns. The design of the walkway was not finalized without public discussion with the residents. The final design includes security cameras and other measures.

Larry Smith, 8230 Merriman, Romulus, expressed support for bringing recreational use to the riverfront along with the security measures of fencing and cameras.

Minnie Mayes, 252 Mainsail Court, a 7-year resident of Harbortown, inquired as to the height and type of fence. She preferred an arched fence. Ms. Mayes felt that the security of the residents might be compromised. The residents presently feel very secure.

Rosemary Milles, 338 W. Crescent, a 12-year resident of Harbortown, emphasized that security is a primary concern. The residents do not want that jeopardized. She expressed support for continuing the RiverWalk along the River through Harbortown as long as proper installation of secured fencing is part of that development. She cited support for the installation of cameras, the monitoring of the cameras, and the walking volunteers.

Ms. Nelson noted that the Conservancy is fully aware of the concerns regarding security. She indicated that security assessments were made with the private property owners. The owners were very clear about their concerns regarding security. A pavilion will be constructed at the foot of Rivard for security monitoring and will be staffed 24/7. Primary security will be provided by the Police Department. The Conservancy is paying for monitoring services and connections to security personnel and the Police Department. Riverfront ambassadors will patrol the RiverWalk. The RiverWalk will be very well lit.

Ms. Milles commented that any misgivings about the RiverWalk would be overshadowed by the good things the proposed amendment will do. The RiverWalk will mean a healthier Detroit.

Commissioner Williams inquired as to whether the treatment of the fence is standard. Mr. Marszelak responded that the treatment was requested by both Harbortown and GM.

Ms. Bruhn inquired as to whether any discussion occurred on lowering the fence on the side of the water. Mr. Marszelak responded negatively. There is no fence along the riverfront, only a guardrail for safety reasons. A fence is located along the west and north sides of the marina.

Commissioner Christensen noted that he is still not in favor of those types of fences. He cited the one at the Detroit Zoo which would be much more attractive.

Mr. Todd recommended support of the minor modification and concurred with some of the concerns. Removing the path from the center of Harbortown to the water's edge represents an improvement.

**ACTION: Commissioner Glenn moved to accept the CPC staff recommendation.  
Commissioner Christensen seconded the motion.  
Motion carried.**

OLD BUS.--  
Request of  
Caraco  
Pharmaceu-  
ticals  
Laboratories  
to purchase  
City-owned  
property  
in the area  
of Holden  
and Elijah  
McCoy  
Dr. in the  
Research  
Park for a  
building  
expansion:

Further consideration was given to the request of Doshi Associates, on behalf of Caraco Pharmaceuticals Laboratories, Ltd., to purchase City-owned property in the area of Holden and Elijah McCoy Drive in the Research Park West Project area and for PD (Planned Development District) plan approval to allow for a building expansion and additional parking.

CPC staff member Gregory Moots reviewed the proposal and addressed concerns and questions raised at the November 3, 2005 CPC discussion on this matter.

Caraco is proposing to add a 103,319 square foot building, one portion of which would be one story in height and one portion of which would be two stories. The addition would more than double the size of the existing facility and would house an expanded warehouse, laboratory, and office space. A two-bay truck well is proposed for the northeast corner of the expansion. Access would remain from Elijah McCoy Drive and Holden. The facade of the building would be textured precast concrete, similar to the current building facade. A total of 107 additional parking spaces are proposed.

At the November 3 CPC meeting, the University City “A” Citizens’ District Council (CDC) submitted a letter containing questions which the Commissioners asked the developer to respond to and for a copy of the correspondence sent to the CDC by Caraco. A copy of the correspondence and responses to the CDC’s questions were included in the CPC meeting packets.

The letter from the CDC referred to a Memorandum of Understanding (MOU) between Caraco and the CDC, entered into prior to construction of the initial Caraco facility. According to the CDC, the MOU contains a commitment by Caraco to employ area residents. CPC staff was unable to obtain a copy of that MOU. Neither the CDC, Caraco, nor the Planning and Development Department (P&DD) can find a copy. According to the most recent employment data from Caraco, Caraco presently employs 18 persons who live in the zip codes served by the CDC. Caraco employs a total of 157 City residents, out of a total of 255 employees.

Regarding the CDC’s questions “Is the land environmental(ly) safe?” and “Was there an environmental investigation?”, the developer has done Phase I and Phase II environmental investigations and provided copies of those to the Michigan Departmental of Environmental Quality, as required by law. CPC staff would rely upon the expertise of that State department as to whether the site is suitable for industrial development. It should be noted that the standards for cleaning a site for industrial reuse are relatively less stringent than for other types of uses, such as residential.

Regarding the CDC’s question of “Was there a RFP put out?”, the answer is “no”. Caraco requested to purchase the land adjacent to it, and P&DD is working with them. Regarding the CDC’s question of “Are there any tax credits or abatement?”, a Section 108 loan was made to Caraco for the construction of the initial facility, and that loan has been fully repaid.

CPC staff noted that the parking proposed is in conformance with the City’s parking requirements. The proposed development is in conformance with the applicable Urban Renewal Plan and Master Plan designations for the site. The use is allowed in the M4 zoning district. Only a small portion of the new construction is in the PD district. The developer appears to have attempted to satisfy the concerns of the CDC. As to the MOU, if a copy can be found, Caraco would have to abide by whatever commitment it contains. However, apparently the City was not a party to any such agreement.

CPC staff recommended approval provided that final site plans, landscaping, and elevations be approved by CPC staff prior to the issuance of building permits.

**ACTION: Commissioner Wendler moved to approve the CPC staff recommendation. Commissioner Glenn seconded the motion.**

Commissioner Glenn noted that if there was an MOU, it should have been attached. There has been sufficient time for the MOU to be brought to the Commission. Commissioner Williams noted that the CPC staff has searched for the MOU. The P&DD should have been able to provide a copy of it.

**VOTE: Motion carried.**

2006-07  
Goals &  
Objectives  
and  
Work  
Program:

Marsha Bruhn presented the 2006-07 proposed CPC Goals and Objectives and Work Program.

Ms. Bruhn reviewed the 2005-06 Goals and Objectives and Work Program progress reports.

Ms. Bruhn noted that considerable progress has been made on most of the items contained in the Goals and Objectives and Work Program for the past several years in spite of an increasing workload for the staff, the loss of one staff position, and other budget constraints.

Commissioner Cason complimented staff on its accomplishments and performance in spite of salary and staff cuts.

Commissioner Glenn inquired as to the codification of amendments to the recently adopted Zoning Ordinance. Ms. Bruhn noted that amendments will be processed as supplements rather than as replacement pages.

Under the category of continuing and new initiatives developing public policy in the proposed Work Program, Ms. Bruhn noted efforts in making the City accountable by responding to the community's legitimate expectations that zoning codes, and City codes in general, will be followed and enforced. These included educating the community to exert pressure on the City in an effort to increase the political will to enhance enforcement efforts; encouraging effective code enforcement reporting by communities as part of all community meetings at which CPC is present; continuing to promote the new Department of Administrative hearings and educational outreach relative to replacement of Municipal Civil Infractions by Blight Violations procedures; and monitoring the impact of blight violation notices on lower income persons.

As to implementing components of the housing/neighborhood preservation study, Ms. Bruhn noted that a Neighborhood Summit is planned for March 2006, with special emphasis on the Community Toolbox concept.

Commissioner Williams inquired as to expected accomplishments of the 2006 Neighborhood Summit. Ms. Bruhn noted numerous materials and tools would be presented to the community for its use in addressing housing and neighborhood preservation. Its primary purpose is for people to leave with real resources for neighborhood preservation.

Commissioner Glenn cited the initiative of continuing to promote the new Department of Administrative Hearings (DAH) and educational outreach relative to replacement of Municipal Civil Infractions by Blight Violation procedures and monitoring the impact of blight violations notices on lower income persons. He suggested inviting Medina Noor, Director of the DAH, to the December 1 meeting of the Commission to provide an update regarding those initiatives.

Ms. Bruhn noted that the CPC staff has been asked to prepare a resolution for City Council approval urging the City's lobbyists to encourage the adoption of legislation allowing sign violations to be deemed blight violations.

Commissioner Glenn cited the need for something to be done regarding the violation of ordinances regulating the height of fences. He cited concerns regarding violations on 8 Mile Rd.

Under continuing and new initiatives in the proposed Work Program, Ms. Bruhn recommended adding monitoring the efforts of Buildings & Safety Engineering, Assessor's Office and Law Department in identifying properties for demolition liens and going after property owners to recoup the City's costs.

Commissioner Cason inquired as to the status of requesting a joint meeting with the City Council. Ms. Bruhn suggested that the request be made in January after the new City Council has been seated. Ms. Bruhn noted that City Council President Elect Kenneth Cockrel is scheduling an orientation session for the new City Council members in December 2005. Although CPC staff will be making a presentation at that orientation on the responsibilities of the Commission and CPC staff, Ms. Bruhn felt it might be good if a few of the Commissioners were present at that meeting given its role as the Zoning Commission for the City. CPC staff would inform the Commissioners of the date of the orientation session.

Under revisions to the Zoning Ordinance in the proposed Work Program, Ms. Bruhn noted that completion of the third amendment to the Zoning Ordinance would be added.

Commissioner Cason noted that U of M has opened a research center in the City. He inquired as to whether any contact has been made with that center. Ms. Bruhn responded negatively.

Commissioner Williams inquired as to the status of the Home Depot project on Telegraph and W. Seven Mile Rds. Ms. Bruhn noted that a copy of CPC staff's status reports to City Council would be given to the Commission. City Council asked CPC staff to prepare a resolution explaining Council's displeasure with Home Depot's decision to pull out of the project. Commissioner Williams inquired as to the impact of the resolution. Ms. Bruhn noted that there has been a definite negative impact on the residents regarding Home Depot's decision. Recent newspaper articles reported foreclosures on properties. This is the second time Home Depot has pulled out of a project in the City. Their action is reprehensible.

Commissioner Glenn inquired as to the status of development of the Captain D's restaurant by the Alpha Restaurant Group. Ms. Bruhn noted that City Council has not approved the site plan given concerns raised by neighboring residents.

Commissioner Cason inquired as to the status of the development of the upscale shopping center on 8 Mile Rd. and Woodward. Ms. Bruhn noted that there has been no movement to date on the project. Little maintenance is being done on the site.

In response to Commissioner Cason, Ms. Bruhn noted that the Rosa Parks Transit Center is moving forward.



The Commissioners congratulated Ms. Bruhn on her retirement from the City on December 29. City Council presented a testimonial resolution to her on November 17, 2005 recognizing her 30 years of service to the City Planning Commission.

Adj.: The meeting was adjourned at 6:30 PM.